

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
QUARTERLY ENFORCEMENT REPORT  
July 1, 2004 through September 30, 2004**

**INTRODUCTION**

This is the Food Safety and Inspection Service's (FSIS) Quarterly Enforcement Report. The report provides a summary of the enforcement actions FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on enforcement actions taken, it is important to recognize that this is only one aspect of the Agency's work. The Agency's main purpose is to protect public health by achieving compliance with laws and regulations.

FSIS inspects products produced in over 6,000 meat, poultry, and egg product plants. Since January 1998, meat and poultry plants have been operating HACCP Systems. Publication of this information is another step in the Agency's commitment to openness and transparency in its work to protect the public from adulterated or misbranded meat, poultry, and egg products.

The report is presented in sections that correspond with the category of action. Activities reported within the categories are either pending or experienced new activity during the reporting period. FSIS also coordinated administrative actions, where regulatory or other authorities were applied in inspected plants and managed USDA participation in criminal cases pending in Federal courts. These actions, along with the thousands of inspections made each day in plants

throughout the country, form strong underpinnings for promoting compliance with food safety laws. Each section of this report is described and reported in more detail as follows:

FSIS ENFORCEMENT PROCESSES  
NONCOMPLIANCE RECORDS AND APPEALS  
PRODUCT CONTROL ACTIONS  
LETTERS OF WARNING  
ADMINISTRATIVE ACTIONS  
CRIMINAL ACTIONS  
CIVIL ACTIONS

## **FSIS ENFORCEMENT PROCESSES**

USDA's Food Safety and Inspection Service (FSIS) is charged with ensuring that meat, poultry, and egg products are safe, wholesome, and properly labeled. FSIS, in cooperation with State counterparts, inspects, monitors, and verifies the proper processing, handling, and labeling of meat and poultry products from the delivery of animals to the slaughterhouse until the products reach consumers. FSIS, in cooperation with FDA and the states, provides similar coverage for egg products – the processed whole egg ingredients used in manufacturing other foods. (More information concerning egg products inspection and enforcement is provided in the FSIS publication "[Focus on Shell Eggs](#)" that can be accessed at:

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/oa/pubs/shelleggs.htm> . If

FSIS detects problems with any products it regulates, the Agency takes product control and enforcement measures to protect consumers.

USDA conducts monitoring and verification activities at plants that slaughter food animals and process products to ensure that products at these establishments are produced in a sanitary environment and potential food safety hazards are identified and eliminated. These establishments must apply for a grant of inspection from FSIS and demonstrate the ability to meet certain requirements for producing safe, wholesome, and accurately labeled food products. Requirements include meeting sanitation, facility, and operational standards, and having preventive systems in place to ensure the production of safe and unadulterated food. Products from official establishments are labeled with the mark of inspection, indicating that they have been inspected and passed by USDA and can be sold in interstate commerce.

FSIS uses investigators throughout the chain of distribution to detect and detain potentially hazardous foods in commerce and to investigate violations of law. Even if products are produced under conditions that are safe and sanitary, abuse can occur on their way to the consumer. For example, if foods are transported in trucks that are too warm, or if exposed to contamination, then that can result in product that can cause illness or injury.

FSIS also works closely with USDA's Office of Inspector General (OIG), which assists FSIS in pursuing complex criminal cases. In addition, many state and local jurisdictions have enforcement authorities that apply to USDA-regulated products. FSIS cooperates with these other jurisdictions in investigations and case presentations. FSIS also participates with OIG and the U.S. Department of Justice in monitoring conditions of probation orders and pretrial diversion agreements developed to resolve cases.

This report provides a summary of enforcement actions, including actions that address the Pathogen Reduction/HACCP regulatory requirements FSIS has taken to ensure that products that reach consumers are safe, wholesome and properly labeled. The Agency recognizes that this report is a snapshot in time of a dynamic process. Some information will be out-of-date by the time this report is published. For example, many matters shown as under appeal will have been resolved by the time this report is published. Other actions could be appealed or closed after this reporting period. This information will be updated on a quarterly basis and made available to the public through future reports.

## NONCOMPLIANCE RECORDS AND APPEALS

FSIS inspection program personnel perform thousands of inspection procedures each day to determine whether or not inspected plants are in compliance with regulatory requirements. Each time inspection program personnel make a non-compliance determination they complete a report explaining the nature of the regulatory action. They notify plant managers of problems through a written Noncompliance Record (NR).

NRs document noncompliance determinations that occur in the plant's sanitation and other controls and notify the plant that it must take action to remedy a problem and prevent its recurrence. If this is done, then the plant will continue to operate without interruption. Problems reported on NRs vary from minor labeling discrepancies to serious breakdowns in food safety controls. When noncompliance occurs repeatedly, or when the plant fails to prevent adulterated product from being produced or shipped, FSIS takes action to control products and may take an action to withhold or suspend inspection.

During this quarterly reporting period, FSIS performed 1,807,874 HACCP verification procedures. **Table 1a** provides numbers of NRs issued by FSIS inspection personnel between July 1, 2004 and September 30, 2004. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants during this reporting period.

**Table 1a. Noncompliance Record Totals**

**NR Totals**

NRs Issued (7/01/04 to 9/30/04): **35,645**

**Table 1b. Appeals NRs (7/01/04 to 9/30/04)**

**Number of Plants Filing Appeals: 182**

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
123	138	10	0	271

**PRODUCT CONTROL ACTIONS**

FSIS takes product control actions to gain physical control over products when there is reason to believe they are adulterated or misbranded. The actions ensure that those products do not enter commerce or, if they are already in commerce, that they do not reach consumers.

In official establishments, FSIS inspectors may retain products whenever there is evidence of unwholesomeness, or if products are adulterated or mislabeled. FSIS inspectors condemn animals for disease, contamination, or adulteration to prevent their use as human food. Figures for condemnations of livestock for the reporting period are as follows: FSIS inspected 35,456,684 livestock carcasses, of which 66,407 carcasses were condemned. FSIS inspected 2,395,207,506 poultry carcasses of which 12,241,372 carcasses were condemned.

## Detentions

After products are distributed from plants, FSIS investigators detain any that may be adulterated or misbranded. If product disposition cannot be made within 20 days, then FSIS may request a federal court to seize the product (see Civil Actions). Most detentions result in voluntary disposal of the product and do not require court seizures. **Table 2** provides the number of detentions and the pounds of product involved in these actions for meat and poultry for this quarterly reporting period. The information is reported for each Compliance and Investigations Division (CID) region, now part of the new Office of Program Evaluation, Enforcement and Review.

**Table 2. Detention Summary**  
(7/01/04 to 9/30/04)

## **Detentions**

<b>Total number of detentions by FSIS</b>	<b>103</b>
<b>Total pounds of product detained</b>	<b>996,931</b>

<b>CID Region</b>	<b>Detentions</b>	<b>Pounds Detained</b>
WESTERN	23	99,025
SOUTHEAST	8	371,840
MIDWEST	8	9,400
SOUTHWEST	37	262,133
GREAT PLAINS	9	95,779
NORTHEAST	<u>18</u>	<u>158,754</u>
<b>Totals</b>	<b>103</b>	<b>996,931</b>

## Recalls

A recall is a voluntary action by a firm to remove adulterated, misbranded, or suspect products from distribution. FSIS cannot require recalls but can recommend and monitor those that occur. Class I recalls involve a health hazard for which there is a reasonable probability that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a potential health hazard when there is a remote probability of adverse health consequences from use of the product. Class III recalls involve a situation in which use of the product is not likely to cause adverse health consequences. For current information on recalls, go to the FSIS recalls web page at: [http://www.fsis.usda.gov/Fsis\\_Recalls/index.asp](http://www.fsis.usda.gov/Fsis_Recalls/index.asp).



### Port-of-Entry Reinspection

FSIS conducts port-of-entry reinspections of imported meat, poultry, and egg products. It is important to note that this activity is a reinspection of products that have already been inspected and passed by an equivalent foreign inspection system. Thus, imported product reinspection is a monitoring activity for verifying on an on-going basis the equivalence of a foreign country's inspection system.

Port-of-entry reinspection is directed by the Automated Import Information System (AIIS), a centralized computer database that generates reinspection assignments and stores results. After clearing U.S. Customs and the Animal and Plant Health Inspection Service, every imported meat, poultry, or egg product shipment must be presented to FSIS.<sup>1</sup> When a meat or poultry shipment is presented for reinspection, the AIIS scans its records to verify eligibility. Shipments are denied reinspection and refused entry if the foreign country is not eligible to export to the United States, if the establishment that produced the product has not been certified for export to this country, if the product presented for reinspection is not eligible, if the shipping marks are not unique, or if APHIS has animal health restrictions on the country.

All imported product shipments are reinspected for general condition, labeling, proper certification, and accurate count. In addition, other types of inspection (TOI) may be generated by the AIIS. These could include a physical examination of the product for visible defects, collection of samples for microbiological analysis, sampling for food chemistry analyses, and

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<sup>1</sup> Egg products are imported only from Canada. Dry egg products may be reinspected at the border or may proceed directly to their destination for reinspection. Liquid egg products are always reinspected at their destination for food safety reasons. Egg product reinspections are presently scheduled separately from meat and poultry, but will be brought under the AIIS in FY2004.

samples to be analyzed for drug and chemical residues. Shipments are randomly selected for reinspection using a statistical sampling plan that allocates samples by HACCP process categories. The level of sampling is based on the volume imported from the country within each category. Products that fail reinspection are rejected and must be re-exported, converted to non-human food, or destroyed. Product rejections cause the AIIS to automatically generate an increased rate of reinspection for future shipments of like product from the same establishment.

This HACCP-based sampling approach began in August 2002 as the new AIIS3 system was launched, and was fully implemented in the quarter beginning October 1, 2002. Implementation of AIIS3 provides an opportunity for FSIS to present meat and poultry reinspection data in a new reporting format that has been constructed to better represent reinspection results (**Table 3a**). This new format is based on pounds of product rather than lots of product because the lotting of product for reinspection is a commercial decision made by the importer or broker, and the term “lot” has no regulatory definition. **Table 3b** presents egg product reinspection results in the same format they appear in past quarters, minus lots for the reason given above. The new reporting format will be applied to these products when they are incorporated into the AIIS3 system. It should be noted that data reports at the end of a fiscal quarter are the best available information for reinspection activities conducted during the preceding three months, but those data are preliminary until all ongoing inspection activities are completed. For example, pending reinspection activities include open TOI’s, in particular samples taken for laboratory analysis, but also could include organoleptic product examinations, and refused entries which may stay open for up to 45 days. A report of quarterly reinspection data will not be “final” until all open entries are closed. These normally small adjustments in past quarter data will be reflected in subsequent quarterly reports.

**Table 3a. Imported Meat and Poultry Products  
Pounds of Product by Fiscal Year Quarter**

**Presented, Reinspected, and Refused Entry**

Quarter	FY 2004						
	Presented	Refused <sup>1</sup>	Reinspected	TOIs Perf <sup>2</sup>	Accepted	Rejected <sup>3</sup>	Combined Rejected and Refused
Q-1 (Oct – Dec)	1,038,268,057	458,302	76,266,778	4,335	1,035,921,365	1,888,390	2,346,692
Q-2 (Jan – Mar)	1,051,699,465	33,006	80,715,439	5,892	1,049,857,029	1,809,430	1,842,436
Q-3 (Apr – Jun)	1,030,832,837	305,172	83,447,974	7,565	1,028,549,651	1,978,014	2,283,186
Q-4 (Jul – Sep)	1,090,102,670	54,242	82,865,753	6,991	1,088,325,495	1,722,933	1,777,175
<b>Cumulative Totals</b>	4,210,903,029	850,722	323,295,944	24,783	4,202,653,540	7,398,767	8,249,489

**Table 3b. Imported Egg Products  
Pounds of Product by Fiscal Year Quarter**

**Presented, Reinspected, and Refused Entry**

FY 2004		
QUARTER	PRESENTED	REFUSED <sup>4</sup>
Q-1 (Oct – Dec)	2,175,306	3,600
Q-2 (Jan – Mar)	2,514,494	15,934
Q-3 (Apr – Jun)	4,244,519	440
Q-4 (Jul – Sep)	3,211,749	70
<b>Cumulative Totals</b>	12,146,068	20,044

<sup>1</sup> Products are refused reinspection if: (1) the foreign country is not eligible; (2) the foreign establishment is not listed; (3) Animal and Plant Health Inspection Service (APHIS) has placed animal disease restrictions on the country; (4) product presented for reinspection is not eligible; and (5) duplicate shipping marks.

<sup>2</sup> Types of Inspection. The number of reinspections performed during the quarter.

<sup>3</sup> Products are rejected if product presented for reinspection fails to meet U.S. import requirements.

<sup>4</sup> Refused entry and rejected upon reinspection data are collapsed in the present egg products database, but will be separated when this commodity is incorporated into the AHS3 in FY2004.

## NOTICES OF WARNING

FSIS issues Notices of Warning (NOW) for minor violations of law that are not referred to United States Attorneys for prosecution. FSIS may also issue these warnings when a United States Attorney declines to prosecute a case or bring action against a specific business or person. These letters warn that FSIS may seek criminal action based on continued violations. Notices of Warning may be issued to any individual or business, including Federal plants, wholesalers, distributors, restaurants, retail stores and other entities that process, store, or distribute meat and poultry products. **Table 4** shows Notices of Warning issued by the Office of Program Evaluation, Enforcement and Review (OPEER) headquarters office and by each of the CID Regions during the reporting period.

**Table 4. Notices of Warning for Criminal Actions  
(7/01/04 to 9/30/04)**

### **Notices of Warning for Criminal Violations**

<b>Total number of NOWs issued for violations:</b>		<b>211</b>
<b>Number issued by Headquarters:</b>		<b>12</b>
<b>CID Region</b>	<b>Number of NOWs Issued by Regions</b>	
WESTERN		52
SOUTHEAST		34
MIDWEST		27
SOUTHWEST		15
GREAT PLAINS		19
NORTHEAST		52
<b>Total number issued by Regions</b>		<hr/> <b>199</b>

### **ADMINISTRATIVE ACTIONS**

FSIS inspects meat and poultry products and applies the marks of inspection when inspectors are able to determine that products are not adulterated. FSIS may temporarily withhold the marks of inspection from specific products, suspend inspection, or withdraw a grant of inspection if a plant is not meeting regulatory requirements.

Effective January 25, 2000, FSIS amended its Rules of Practice that apply to Agency enforcement actions. The Rules of Practice, which are located in 9 CFR Part 500, define each type of enforcement action FSIS can take, the conditions under which it is likely to take these actions, and the procedures FSIS will follow in doing so.

### Withholding the Marks of Inspection

If a plant fails to prevent preparation and shipment of adulterated products or develops a pattern of noncompliance showing the plant's sanitation or process control systems have failed, FSIS may notify plant managers that the USDA mark of inspection is being withheld from some or all of the products in the plant. This action effectively shuts down affected operations, because it is illegal to sell products in interstate commerce that do not bear the USDA mark of inspection.

Other non-affected parts of the plant, if any, may still operate.

### Suspension of Inspection

FSIS may temporarily suspend the assignment of inspectors if a plant fails to prevent preparation and shipment of adulterated products, fails to present a corrective action plan to bring the plant sanitation or process control systems into compliance, or for other reasons specified in the Rules of Practice. As with withholding actions, a suspension shuts down all or part of the plant's operations. USDA may place the suspension in abeyance if corrections are presented, put into effect, and effectively prevent additional problems. FSIS District Offices have established procedures to monitor and verify a plant's corrective and preventive actions.

### Notification to Establishments of Intended Enforcement Actions

FSIS has an established procedure to notify establishments of intended enforcement actions related to certain types of noncompliance that have not resulted in actual shipment of adulterated products. Under this procedure, a notice is issued to an establishment when the Inspector-in-Charge determines that the establishment has experienced multiple, recurring noncompliances, or for other reasons, as specified in the Rules of Practice, the establishment has failed to implement

adequate corrective and preventive measures. The Notice informs the establishment of the nature and scope of the noncompliance and that FSIS intends to withhold the marks of inspection or suspend the assignment of inspectors. The Notice explains the basis of and references documentation for the intended enforcement action, and provides the establishment three business days to contest the basis for the proposed enforcement action or to demonstrate how compliance has been or will be achieved. In appropriate situations, USDA may defer a decision based on corrections submitted by the establishment.

#### Withdrawal of Inspection

In some situations, FSIS may decide that it is necessary to withdraw inspection from a plant. In these cases, FSIS withdraws inspection from a Federal plant by filing a complaint with the USDA Hearing Clerk. The plant may request a hearing before an Administrative Law Judge. If the action is based on insanitation, the plant will remain closed while proceedings go forward. In other cases that do not involve a threat to public health, operations may continue. These actions may be resolved by FSIS and the plant entering into a consent decision, which allows the plant to operate under certain specified conditions. Once inspection is withdrawn, a closed plant must reapply to receive Federal inspection.

As specified in the Rules of Practice, USDA may initiate withholding, suspension, or withdrawal actions to limit a plant's slaughtering or processing, or prevent the plant from operating altogether, based on reasons related to the PR/HACCP regulations such as:

- failure to collect and analyze samples for the presence of generic *E. coli* and record test results,
- failure to develop or implement Sanitation Standard Operating Procedures, or
- failure to develop or implement a required HACCP plan.

In addition, USDA may initiate a withholding, suspension, or withdrawal action for other reasons such as:

- failure to meet “sanitation performance standards,”
- insanitary conditions,
- inhumane handling or slaughtering of livestock,
- failure to destroy condemned product, or
- interference with inspection personnel.

**Tables 5, 6, and 7** list administrative actions (other than actions based on convictions) by establishment, initiated, pending, or closed, for the period, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane handling.

In some plants, FSIS may find more than one basis for taking enforcement action or may take more than one action. For example, the plant has sanitation problems and is not conducting *E. coli* testing or a sanitation problem occurs more than once. These tables list actions taken at large, small, and very small plants. The enforcement action can be for any of the identified reasons. During this period, activity is reported concerning 241 plants. Eighty-six of the actions in these plants were initiated during this reporting period. Sixty-three actions were closed by letters of warning or other means during this period.

**Tables 5, 6, and 7** also identify those cases in which an appeal of the suspension action may have been made, along with whether the appeal was granted or the administrative action was sustained (appeal denied). When decisions on appeals have not been made during the period of this report, the appeal is shown as pending and will be reported in the next quarterly report.

There were two appeal of suspension actions filed during this period.



**Table 5. Administrative Actions: Large HACCP Plants  
(7/01/04 to 9/30/04)**

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
B.P. JOINT VENTURE LLC dba BRAWLEY BEEF 21488 M BARWLEY, CA			3/26/04	3/29/04				X				8/4/04	
CARGILL INC 00635 M000635 P WACO, TX	8/19/04	8/24/04				X							
CARGILL MEAT SOLUTIONS CORP dba EXCEL CORP 00086H M PLAINVIEW, TX						X				X		9/15/04	On, 05/07/04 a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
CONAGRA FOODS 00233 M00115 P RUSSELLVILLE, AR	2/6/04	2/20/04			X	X							
CONAGRA FOODS 07131 M07131 P BATESVILLE, AR	9/27/04				X	X							
EXCEL CORP 00086R M FORT MORGAN, CO						X				X			On 04/21/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9CFR Part 500.8.
						X				X			On 08/11/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9CFR Part 500.8.
EXCEL CORPORATION 00086E M FRIONA, TX	8/19/03	9/11/03				X							
EXCEL CORPORATION 00086K M DODGE CITY, KS	6/24/04	8/16/04				X							

<b>ABBREVIATION KEY</b>	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

## Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
GOLD KIST INC 01272 P DOUGLAS, GA	5/26/04	6/22/04			X	X							
HORMEL FOODS CORPORATION 00199N M04240 P FREMONT, NE	11/4/03	11/7/03			X		X						
	8/6/04	8/12/04				X							
IBP, INC. 00245E M AMARILLO, TX						X				X			On 11/25/03, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9CFR Part 500.8.
MORONI FEED COMPANY 00751 M01049 P MORONI, UT	4/5/04	5/7/04			X	X							
NEBRASKA BEEF LTD 19336 M OMAHA, NE						X				X			On 04/05/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9CFR Part 500.8.
O.K. FOODS INC 13089 M00165 P FORT SMITH, AR	6/9/04	6/23/04			X	X							
PECO FOODS INC 06616 P SEBASTOPOL, MS	5/20/04	6/7/04			X	X							
PECO FOODS INC 06504 P TUSCALOOSA, AL	7/14/04	7/23/04			X	X							
PERDUE FARMS INC 21234 P PERRY, GA	7/12/04	7/26/04			X								

### ABBREVIATION KEY

SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

## Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
PERDUE FOODS 02014 M00369 P BRIDGEWATER, VA	9/2/04	9/13/04			X	X	X						
PETERSON FARMS INC 00550 P DECATUR, AR	3/15/04	3/24/04			X	X	X						
PILGRIM'S PRIDE CORP OF DELAWARE 13485 P FARMERVILLE, LA	12/11/03	12/19/03			X	X						7/26/04	
PILGRIM'S PRIDE CORPORATION 07091AP MOUNT PLEASANT, TX	6/2/04	6/9/04			X		X						
SMITHFIELD PACKERS INC 00382 M08460 P SMITHFIELD, VA	8/12/04	8/31/04			X	X							
TYSON FOODS 00245C M DAKOTA CITY, NE						X				X			On 12/29/03, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9CFR Part 500.8.
TYSON FOODS, INC. 13456 M13456 P PINE BLUFF, AR	6/24/04	7/2/04			X	X							
TYSON FOODS, INC. 01362 P NOEL, MO	6/24/04	7/1/04			X	X							
TYSON FRESH MEATS 00244W M18925 P WATERLOO, IA	12/10/03	12/19/03			X	X							

### ABBREVIATION KEY

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INH	Inhumane treatment/slaughter
INT	Interference/Assault
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## Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
TYSON FRESH MEATS INC 00245L M LEXINGTON, NE	2/26/04	3/19/04			X	X							
			3/12/04	3/18/04		X							
TYSON FRESH MEATS INC. 09268 M FORT MORGAN, CO						X				X			On 07/28/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9CFR Part 500.8.

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

**Table 6. Administrative Actions: Small HACCP Plants  
(7/01/04 to 9/30/04)**

<b>Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]</b>													
<b>Establishment/ Estab. Number Location</b>	<b>NOIE</b>	<b>Deferral</b>	<b>Suspension In Effect</b>	<b>Suspension in Abeyance</b>	<b>Basis for Action</b>						<b>Closure</b>		<b>Appeals and Actions</b>
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
21ST CENTURY FOODS LTD 31588 M31588 P SAN ANTONIO, TX	6/1/04	6/7/04				X							
A & R PACKING CO. INC 10203 M10203 P HAMTRAMCK, MI			9/16/04	9/27/04	X		X						
AMITY PACKING COMPANY LTD 06916 M06916 P CHICAGO, IL	8/9/04	8/30/04				X							
BERRY & SON'S ISLAMIC SLAUGHTER HOUSE 10252 M DETROIT, MI			8/25/04	8/26/04				X					
BERRY PACKING INC. 02325 M02325 P CROSSETT, AR	5/20/02	6/3/02	1/16/04	3/29/04	X	X						7/2/04	
	5/7/03	5/16/03	1/16/04	3/29/04	X	X						7/2/04	
BLUE GRASS PROVISIONS COMPANY INC. 07417 M07417 P CRESCENT SPRINGS, KY	9/15/04	9/24/04			X	X	X						
CARNECO FOODS LLC 00245P M00245P P COLUMBUS, NE	8/19/04	8/27/04				X							
CEDAR HOLLOW FOODS 05578 M05578 P LINCOLN, NE	3/30/04	4/6/04				X							

<b>ABBREVIATION KEY</b>	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

## Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
CENTEX MEAT COMPANY LP 31599 M31599 P TAYLOR, TX	5/18/04	5/21/04				X						7/30/04	
CONAGRA REFRIGERATED FOODS 00543 M00543 P BRITT, IA	4/19/04					X							
COUNTRY CURE MEATS INC 04866 M04866 P DIAMOND SPRINGS, CA			7/20/04	7/27/04	X		X						
CRESTWOOD FARMS, LLC 17400 M17400 P MOCKSVILLE, NC			7/2/04	7/13/04		X							
CUSTOM MEATS CORP. 07271 M07271 P DALLAS, TX	3/31/03	4/4/03				X							
DEL MONACO SPECIALTY FOODS INC 17702 M17702P SAN JOSE, CA	5/12/04	5/24/04				X							
F. URI AND CO., INC. 02837 M SAN FRANCISCO, CA	8/13/04	9/10/04				X							
FABBRI SAUSAGE MFG CO 05599 M05599 P CHICAGO, IL	7/2/04		7/22/04	8/12/04	X	X							On 08/06/04, plant appealed the suspension. Appeal was denied on 08/11/04.
			9/2/04		X	X							On 09/02/04, suspension was reinstated.
FIELDSTONE MEATS OF ALABAMA INC 02691 M ONEONTA, AL	3/15/04	3/24/04			X	X	X					7/15/04	

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INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

## Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
FISHER FOODS LTD 01864 M02299 P LINCOLN, NE	7/13/04	8/17/04			X	X							
G & W PACKING COMPANY 06794 M06794 P CHICAGO, IL			9/24/04	9/29/04	X		X						
G AND G POULTRY INC 27425 P BIRDSBORO, PA	7/14/04	8/12/04			X	X							
GIBBON PACKING INC 05511 M GIBBON, NE	12/17/02	12/24/02			X	X							
	1/30/04	2/4/04	3/10/04	3/11/04				X					
GOLDEN COIN FOOD INDUSTRIES 12446 M12446 P HONOLULU, HI	4/18/03	5/7/03	7/10/03	7/17/03	X	X						7/26/04	
			8/14/03	8/27/03	X	X	X					7/26/04	On 8/14/03, suspension was reinstated.
GOLDEN CROWN FOODS, INC. 18823 M18823 P CITY OF INDUSTRY, CA	12/24/03	1/14/04			X	X							
HENLEY'S WHOLESALE MEATS INC 10664 M10664 P NORTH LITTLE ROCK, AR	3/10/04	3/17/04			X	X	X					7/2/04	
HOLIDAY PANTRY COMMISSARY 20543 M20543 P BROOKLYN CENTER, MN	4/30/04	5/6/04				X						8/5/04	
HOT SPRINGS PACKING 10695 M10695 P HOT SPRINGS, AR	12/19/03	1/6/04			X	X						7/15/04	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
HOUSE OF RAEFORD FARMS OF LOUISIANA LLC 19865 P ARCADIA, LA	5/19/04	6/3/04			X	X	X						
HOUSE OF RAEFORD FARMS, INC. 01234 M01234 P ATHENS, MI			1/28/00	2/7/00		X							On 01/28/00, a withholding action was taken. On 02/11/00, plant appealed the suspension. On 02/29/00, plant's appeal was denied. On 03/03/00, plant appealed to a higher FSIS official.
			7/14/02		X								
IOWA QUALITY BEEF LLC 27376 M TAMA, IA	8/5/04	8/13/04				X							
ISLAMIC MEAT & POULTRY COMPANY 04928 M04928 P STOCKTON, CA	8/5/04	8/19/04			X	X	X						
J.H. ROUTH PACKING CO 00818 M SANDUSKY, OH	2/18/04	3/4/04			X	X	X					7/21/04	
J.W. TREUTH & SONS INC 02612 M02612 P BALTIMORE, MD	5/11/04	5/20/04			X	X						8/26/04	
K.O.T. CORP 13590 M13590 P STAFFORD, TX	7/22/04		8/2/04	8/12/04	X	X							
KINGS COMMAND FOODS INC 01515A M06121A P KENT, WA	3/19/04		3/25/04	4/6/04	X	X							
			7/30/04						X			8/3/04	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
KOLOB PACKING, LLC 19610 M19610 P BURLEY, ID	8/31/04	9/17/04			X	X							
LANDIS MEAT COMPANY 08846 M18490 P QUAKERTOWN, PA	8/17/04	8/26/04			X	X							
LONE STAR BEEF PROCESSORS, LP 02255 M SAN ANGELO, TX	8/24/04	8/30/04			X	X	X						
MICHAEL ANGELO'S GOURMET FOODS 01009A M17328A P AUSTIN, TX	8/6/04	8/13/04				X							
NASHVILLE SMOKEHOUSE COMMISSARY INC 22025 M22025 P NASHVILLE, TN	7/15/04	7/23/04			X	X							
NEBRASKA TURKEY GROWERS CO-OP 00538 P GIBBON, NE	3/24/04	4/2/04			X	X							
NEW BRAUNFELS SMOKEHOUSE 02209 M00975 P NEW BRAUNFELS, TX	5/21/04	5/28/04				X						7/19/04	
NEW HORIZONS MEATS AND DISTRIBUTION L.L.C. 00142 M19069 P CINCINNATI, OH	9/23/03	10/8/03	1/16/04	1/22/04	X	X	X						On 9/13/04. DM closed case by requested voluntary abandonment/withdrawal.
NICHOLAS PACKING COMPANY 04465 M LOGANTON, PA			8/10/04	8/11/04				X					
OBIM FRESH-CUT FRUIT COMPANY 27399 M27399 P FORT WORTH, TX	2/24/04	3/3/04			X	X						7/13/04	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
O'BRIEN'S & CO INC 05528 M05528 P BELLEVUE, NE	5/10/04	5/21/04			X	X							
O'STEEN MEAT SPECIALTIES INC. 13409 M13409 P OKLAHOMA CITY, OK	5/12/04	5/21/04			X	X						8/6/04	
PACKERLAND PACKING CO., INC. 00562G M GERING, NE	3/17/03	3/28/03				X							
PEDRO'S TAMALES 07279 M07279 P LUBBOCK, TX	7/13/04	7/16/04				X							
PETALUMA LIVESTOCK AUCTION YARD 27300 M NEWMAN, CA	3/4/04	3/24/04				X						9/14/04	
PETERSBURG LOCKER INC. 05668 M05668 P PETERSBURG, NE	5/24/02	6/5/02				X							
PLUMROSE USA INC 20722 M20722 P COUNCIL BLUFFS, IO	3/26/04	4/5/04				X							
POLK'S MEAT PRODUCTS INC 12630 M12630 P MAGEE, MS	2/2/04	2/10/04				X						9/13/04	
PREMIUM PROTEIN PRODUCTS, LLC 27472 M HASTINGS, NE	12/10/03	12/17/03				X						9/8/04	
PROFILE FOODS 18603 M18603 P W. DES MOINES, IA	5/25/04		6/14/04	6/16/04		X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
QUALITY SNACK FOODS INC 17642 M17642 P CHICAGO, IL	7/8/04	7/23/04			X	X							
RED BIRD FARMS INC 08139 M08139 P ENGLEWOOD, CO	4/9/04	5/7/04			X	X	X						
RICE FIELD CORPORATION 20153 M20153 P CITY OF INDUSTRY, CA	3/11/04	4/26/04	5/12/04	5/18/04	X	X						9/22/04	
ROBERTSON'S HAMS INC 02261 M02261 P MARIETTA, OK	7/27/04	8/4/04			X	X							
ROGER WOOD FOODS, INC. 08025 M08025 P SAVANNAH, GA	9/21/04				X	X							
ROMAN PACKING CO. 05662 M05662 P NORFOLK, NE	3/19/04	4/1/04			X	X							
S & F FOODS INC 31699 M31699 P ROMULUS, MI			4/21/04	6/1/04	X							8/25/04	
SAAD WHOLESALE INC 10153 M10153 P DETROIT, MI			9/8/04	9/13/04	X								
SANDERSON FARMS, INC. 01600 M00671 P JACKSON, MS	5/28/04	6/14/04			X	X							
SCHREIBER PROCESSING CORP 01698 M00787 P MASPETH, NY	9/22/04				X	X							
SIMMONS FOODS, INC. 20979 P SILOAM SPRINGS, AR	8/6/04	8/26/04			X	X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
SIMPLOT MEAT PRODUCTS, L.L.C. 00630 M NAMPA, ID	6/18/03	7/2/03			X								
SIOUX-PREME PACKING CO. 05537 M SIOUX CENTER, IA	11/13/03	11/25/03			X	X	X						
SNOW BALL FOODS LLC 07569 M07569 P WILLIAMSTOWN, NJ	5/27/04	6/4/04	6/17/04	6/18/04	X	X							
SOUTHEASTERN MEATS OF PELHAM INC 21468 M PELHAM, AL	8/5/04	8/12/04			X	X							
SOUTHERN QUALITY MEATS 17322 M PONTOTOC, MS	3/11/04	3/18/04			X	X						7/28/04	
STAGNO'S MEAT COMPANY 02875 M MODESTO, CA	9/16/03	10/3/03				X						7/1/04	
			9/18/03	9/25/03				X				7/15/04	
			3/12/04	3/16/04					X			8/4/04	
TIP TOP POULTRY INC. 01480 P MARIETTA, GA	7/1/04	7/15/04				X							
TRENTON HALAL PACKING 17776 M TRENTON, NJ	5/17/04	5/25/04			X	X						8/31/04	
TYSON FOODS INC 02657 M02657 P DAWSON, GA	4/7/04				X	X						7/27/04	

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Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
TYSON FOODS INC 17728 M17728 P VICKSBURG, MS	8/9/04	8/27/04			X	X	X						
TYSON REFRIGERATED PROCESSED MEATS 21716 M21716 P COUNCIL BLUFFS, IA	2/23/04	3/2/04			X	X						8/23/04	
VINELAND KOSHER POULTRY CO INC 00744A M00744A P VINELAND, NJ	7/23/04	9/8/04			X	X							
WAPSIE PRODUCE INC. 01538 P DECORAH, IA	4/16/04	4/28/04				X							
WEST LAKE CORPORATION 01627A M01627A P SANTA ANA, CA	9/10/04	9/30/04			X	X							
WILLOW BROOK FOODS, INC 02133 M00029 P ALBERT LEA, MN	9/10/04		9/16/04		X	X							
ZARTIC INC 00703A M07489 P CEDARTOWN, GA	8/6/04	9/13/04			X	X							

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**Table 7. Administrative Actions: Very Small HACCP Plants  
(7/01/04 to 9/30/04)**

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
4-L PROCESSING INC 19789 M19789 P COKE, TX			5/17/04	5/17/04				X				8/4/04	
AALA MEAT MARKET INC. 12425 M12425 P HONOLULU, HI	7/23/03	7/31/03			X	X						7/26/04	
ABBOTSFORD PRODUCE 01632 G ABBOTSFORD, WI			4/9/04	4/16/04					X				
			4/16/04	4/30/04						X		9/10/04	Plant repeatedly failed to segregate ineligible eggs.
AK FOODS, LLC 06496 M06496 P BRUSH, CO	11/7/03	1/6/04			X	X	X					8/19/04	
ALMA FREEZER COMPANY 10081 M ST. LOUIS, MI	5/25/04	6/3/04				X						9/2/04	
ALPINE SAUSAGE COMPANY 06224 M DENVER, CO	3/17/04	3/25/04			X	X						8/16/04	
AMCO MEAT CO LLC 04401 M04401 P SOMERDALE, NJ	1/23/04	3/11/04			X	X							
ANKENY COLD STORAGE 31681 M31681 P ANKENY, IA	7/9/04	7/22/04				X							

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## Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
ATKINS SHEEP RANCH 20581 M20581 P OAKLAND, CA	7/21/04				X	X							
B&G MEATS INC dba MR PRIME BEEF 20900 M20900 P ANCHORAGE, AK	7/30/04				X	X							On 08/04/04, firm was granted a 120 day voluntary suspension.
BASKIN BROWN'S MEAT LOCKER, INC. 07055 M07055 P STRATFORD, TX	5/14/04	5/21/04				X						7/30/04	
BEAVER CITY LOCKER 20172 M20172 P BEAVER CITY, NE			7/23/03	8/8/03		X							
	7/30/03	8/8/03			X	X							
BEST TASTE FOOD 08110 M08110 P LOS ANGELES, CA	8/13/04	9/14/04				X							
			8/16/04	9/10/04	X		X						
BIG A MEATBALL COMPANY 13274 M OKLAHOMA CITY, OK	8/11/04	8/26/04			X	X	X						
BLR MEATS INC 19583 M19583 P CINCINNATI, OH			5/13/04	5/19/04	X		X					8/18/04	
	6/4/04	6/10/04	9/9/04	9/16/04		X							
BOBER MEAT MARKET INC 19385 M19385 P JERSEY CITY, NJ	8/24/04	9/10/04			X	X	X						
BUTCHER BLOCK 05653 M INDIANOLA, NE			3/15/04			X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
BUTLER'S BEEF ACRES 05660 M MCCOOK, NE	3/3/04	3/22/04				X						7/28/04	
COHOES SPECIALTY MEATS 00593A M06368 P ALBANY, NY			6/14/04		X	X	X						
COOPERATIVE EXTENSION SUFFOLK COUNTY FARM 04675 M04675 P YAPHANK, NY	3/1/04		3/19/04	8/19/04		X							
COOPER'S OLD TIME PIT BAR- B-QUE 21615 M21615 P LLANO, TX	9/24/04					X							
COUNTRY BOY MEATS 09240 M09240 P MERRILL, OR	5/28/03	6/4/03	7/24/03	7/28/03	X	X							
			9/10/03	10/6/03	X								On 09/10/03, suspension was reinstated.
			6/15/04		X								On 06/15/04, suspension was reinstated.
COUNTRYSIDE QUALITY MEATS, L.L.C. 10147 M10147 P UNION CITY, MI	8/19/04	8/31/04			X		X						
CRESCENT CITY MEAT CO 13244 M13244 P METAIRIE, LA	7/20/04	7/30/04	9/21/04	9/30/04	X	X	X						
CRESCENT CUSTOM SLAUGHTERING, INC. 06041 M06041 P SUMNER, WA	6/20/03	7/2/03	8/21/03	9/2/03	X	X	X						
			10/10/03		X	X	X						On 10/10/03, suspension was reinstated.

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
CUSTOM PACK INC 05650 M05650 P HASTINGS, NE	10/30/03	11/14/03			X	X						8/20/04	
DAYTON MEAT COMPANY 09230 M09230 P DAYTON, OR	8/31/04	9/9/04			X	X							
DEL MONTE MEATS 11022 M11022 P POCATELLO, ID	8/7/03	8/21/03				X							
			10/24/03	6/4/04	X		X						
DELI STAR CORPORATION 07766 M07766 P FAYETTEVILL, IL	7/27/04	8/12/04			X	X	X						
DEN'S COUNTRY MEATS, INC. 21156 M21156 P TABLE ROCK, NE	10/3/03	10/16/03				X							
DIAMOND SHAMROCK REFINING AND MARKETING CO. 31680 M31680 P HOUSTON, TX	5/27/04	6/2/04			X	X						8/26/04	
DIPPER'S PACKING CO INC 20757 M WESTERLY, RI	10/17/03		12/17/03	1/6/04		X							
DOWNHOME HOMEBOYS 13546 M ST. LOUIS, MO			7/13/04						X				
EDES CUSTOM MEATS 13276 M13276 P AMARILLO, TX	6/9/04	6/16/04				X						9/3/04	
EL RANCHO MARKET, INC. 06180 M06180 P SOLVANG, CA	11/28/03		12/4/03		X	X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
EPMI PROCESSING 21358 M21358 P STERLING, OK	8/5/03	8/6/03	4/2/04	4/9/04	X	X							
EUREKA! JERKY COMPANY 20640 M EUREKA SPRINGS, AR	5/21/04	6/3/04			X	X							
EXCELLENT MEATS & FROZEN FOODS 09949 M09949 P TOMS RIVER, NJ	6/18/04	6/28/04				X						9/1/04	
FARM FRESH MEATS INC 19883 M19883 P MARICOPA, AZ	12/18/03	1/23/04			X	X							
FLORIDA VEAL PROCESSORS, INC. 06518 M06518 P WIMAUMA, FL	8/17/04				X	X							
G.E. HAWTHORN MEAT COMPANY 10620 M HOT SPRINGS, AR	9/17/03	10/10/03			X	X						8/2/04	
GALANT FOOD COMPANY 09014 M09014 P SAN FRANCISCO, CA	7/1/04	7/12/04			X	X							
GALLIGAN WHOLESALE MEAT COMPANY INC 06475 M06475 P DENVER, CO	8/23/04	8/31/04			X	X	X						
GARVIN MEATS 27397 M FRANKLIN, NE	6/7/04	6/28/04			X	X							
GILBERT FOODS (HEARNE- KIRKWOOD) 17264 M17264 P HANOVER, MD	5/6/04	5/28/04			X	X						8/10/04	

### ABBREVIATION KEY

SPS	Sanitation performance standards
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INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

## Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
GLENWOOD SMOKED PRODUCTS 06076 M06076 P IDAHO FALLS, ID	9/22/04				X	X							
GREAT LAKES SLAUGHTER AND MEAT PROCESSING 02562A M02562A P CHEBOYGAN, MI	5/26/04	6/3/04				X							Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
GRIZZLY'S CUSTOM CUTTING 21554 M21554 P HUNT, NY	4/9/04	5/17/04				X							
H.C. SCHAU & SONS INC 19917 M19917 P WOODRIDGE, IL	4/24/04	5/6/04	8/17/04	9/21/04	X	X	X						
HALAL FRESH MEATS, INC. 20403 M20403 P NEWARK, NJ	7/2/04	7/16/04	9/14/04	9/21/04	X	X	X						
HALAL PACKING INC 05911 M NEWTON, NJ	7/28/04	8/13/04				X							
HENDERSON MEAT PROCESSORS 01527 M13131 P HENDERSON, NE	4/29/04	5/12/04			X	X					7/26/04		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
HENNINGSEN FOODS INC 05808 M05808 P RAVENNA, NE	8/27/04	9/3/04			X	X							
HICKORY SMOKED FOODS INC 06689 M06689 P LEWISBURG, TN	3/17/04	3/31/04			X	X					7/30/04		
HIGH HOPES BEEF JERKY, LLC 21833 M ALEX, OK	6/28/04	7/20/04			X	X	X						
HOBART MEAT & PROVISION 04437 M04437 P HOBART, NY	5/13/04	5/19/04				X							

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## Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
HOCKENBERRY MEATS PROCESSING 19397 M FORT LOUDON, PA	6/28/04	7/14/04			X	X	X						
HOUSE OF SMOKE 06273 M06273 P FT LUPTON, CO	3/16/04		3/25/04	4/5/04	X	X							
HOWARD DARLING 09777 M LA PLUME, PA	5/1/04	5/20/04			X	X	X						
ICH GROUP INC dba SUSHI CHEF 20254 M20254 P HONOLULU, HI	12/17/03	12/30/03			X	X	X						
INTERNATIONAL DO FOODS INC 19638 M19638 P HOUSTON, TX	8/19/04	8/23/04			X	X							
ISABELLA FOODS INC 01960 M13389 P EL PASO, TX	5/18/04	5/28/04			X	X							
J & D FOODS INC 02314 M ALBUQUERQUE, NM	3/1/04	4/2/04				X							
J.M. PACKING COMPANY 19804 M19804 P PONCE, PR			10/9/03			X							
JOHN ASPEITIA'S OLD FASHIONED HOG CRACKLING CO. 02293 M EL PASO, TX	9/17/04				X	X							
KAH AND COMPANY INCORPORATED 01664 M19846 P WAPAKONETA, OH	12/8/03		1/26/04	5/18/04	X	X							

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# Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
KERSHENSTINE'S BEEF JERKY INC. 09057 M09057 P EUPORA, MS	3/8/04	4/1/04			X	X						9/7/04	
KIRKLAND'S CUSTOM MEATS & SLAUGHTER INC 11156 M11156 P JACKSONVILLE, FL			6/9/04		X	X							
LAGROU COLD STORAGE 00219 I03197 M CHICAGO, IL			5/30/02				X						
LAS MERCEDES CATERING INC 11146 M11146 P HIALEAH, FL	2/3/04	2/25/04			X	X						7/22/04	
LONGMONT PACKING COMPANY 00128 M00128 P LITTLETON, CO	11/25/03	12/10/03			X	X							
LORENZO FROZEN FOODS LTD 06754 M WESTCHESTER, IL			5/13/04	5/21/04	X	X	X					8/31/04	
LPB INC 21547 M21547 P EARLHAM, IA	7/12/04	7/27/04				X							
LYNCH BBQ COMPANY 19717 M19117 P DECORAH, IA	5/14/04	5/24/04			X	X							
M AND M PACK 05673 M05673 P RUSHVILLE, NE	12/11/03	12/23/03			X	X							
MACELO LA MUDA 07883 M CAGUAS, PR	4/8/04	5/28/04			X	X							
MALONE'S FINE SAUSAGE 15702 M MILWAUKEE, WI	9/24/04	9/30/04				X							

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## Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
MARCACCI MEATS 05913 M05913 P VINELAND, NJ	11/19/03	12/3/03			X	X						7/8/04	
MB CONSULTANTS LTD 18414A M18414A P SOUTH FALLSBURG, NY	7/7/04	7/27/04			X	X							
MID-MISSOURI POULTRY PROCESSING 21860 P HIGBEE, MO	6/4/04	6/14/04			X	X							On 07/06/04 DM closed case by firm's requested voluntary withdrawal.
MIK INC 12433 M KAUAI, HI	10/9/03	10/17/03			X	X	X						
MISTY KNOLL FARM 18978 P NEW HAVEN, VT	9/30/04				X	X							
MONTANA MISSION MOUNTAIN MARKET 21251 M RONAN, MT	7/30/04	8/13/04			X	X							
MR. BASTERMA 18970 M DETROIT, MI			11/22/02	4/5/04	X	X							On 09/21/04, firm was granted a 120 day voluntary suspension.
MY-CAR PROVISION CO 04711 M04711 P NEW LONDON, CT	10/17/03		11/17/03	12/31/03		X							
NETTLE'S SAUSAGE INC 11159 M LAKE CITY, FL	3/4/04	3/23/04			X	X							
NORTHWEST PREMIUM MEATS LLC 11032 M11032 P NAMPA, ID	4/1/04	5/21/04			X	X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
NORTHWOOD FOODS 20239 M20239 P NORTHWOOD, IA	6/25/04	7/1/04				X							
P.C. QUALITY FOODS 21820 M21820 P CRANSTON, RI	10/16/03		12/24/03	1/7/04		X							
			1/13/04	2/19/04					X				
PACFOODS, USA 09889 M09889 P HAYWARD, CA			8/26/02	10/17/02	X	X							
			10/23/02		X	X							On 10/23/02, suspension was reinstated.
PHUC HUONG 21607 M21607 P SAN JOSE, CA	11/15/02		12/6/02	1/31/03	X	X							
PICONE MEAT SPECIALTIES LTD 04445 M04445 P MAMARONECK, NY	3/12/04		3/30/04			X							
PTE HCA KA INC 21744 M GETTYSBURG, SD			4/26/04	4/28/04		X						7/29/04	
PURSLOW ENTERPRISES INC. 18003 P HANCOCK, ME	10/22/03	12/2/03				X							
RCG FOODS OF TEXAS INC 13533 M13533 P EL PASO, TX	5/27/03	6/4/03				X						7/29/04	
	4/1/04	4/8/04				X						7/29/04	

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Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
REAL KOSHER SAUSAGE CO 00999 M07894 P NEWARK, NJ	2/23/04	3/4/04			X		X					9/24/04	
ROBERSONVILLE PACKING CO 22064 M22064 P ROBERSONVILLE, NC	7/12/04		7/19/04	8/12/04	X	X	X						
S & S MEAT PURVEYORS, INC. 02579 M02579 P COLUMBUS, OH			5/28/04	6/2/04					X			7/29/04	
SADDLE MOUNTAIN MEAT LLC 04993 M04993 P HUBBARD, OR	11/10/03	11/20/03			X	X	X						
SARDINHA SAUSAGE INC 17995 M17995 P FALL RIVER, MA	10/10/03		12/18/03	1/2/04		X							On 12/30/03, plant appealed the suspension. Appeal was denied 12/31/03.
			4/15/04		X								On 04/15/04, the suspension was reinstated. On 04/19/04, plant appealed the suspension. Appeal was denied on 4/22/04. Complaint was filed on 5/28/04.
SCHUBERTS PACKING CO INC 05659 M05659 P MILLSTADT, IL	8/26/04	9/2/04			X	X	X						
SELWOOD FARMS INC. 07316 M07316 P ALPINE, AL	11/13/03	11/26/03				X							
SERVI-PAK CORP 19213 M19213 P VEGA ALTA, PR	8/5/04	8/23/04				X							
SIERRA NEVADA RANCH INC 18060 M18060 P YERINGTON, NV	9/3/04	9/15/04			X	X	X						
SMOKEY MOUNTAIN BEEF JERKY 21398 M SEVIERVILLE, TN	4/29/04	5/13/04				X							

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					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
SRA FOODS INC 21103 M21103 P BIRMINGHAM, AL	9/27/04				X	X							
ST. CROIX ABATTOIR 00482 M ST. CROIX, VI	6/29/04	8/11/04			X	X							
STOLTZFUS MARKET 09625 M HONEY BROOK, PA	9/10/04				X	X							On 09/20/04, DM closed case by firm's requested voluntary withdrawal.
SUPERIOR PROCESSING 07230 M07230 P CHICKASHA, OK	2/4/04	2/19/04	7/16/04	8/4/04	X	X		X					
T & T HALAL MEAT INC 21198 M SOUTH OZONE PARK, NY	8/24/04		9/2/04	9/3/04	X	X							
TAMALE PLUS INCORPORATED 04147 M04147 P LOS ANGELES, CA			9/20/04				X						
TAN DINH FOOD PRODUCTS CORP. 13367 M HOUSTON, TX			6/15/04	6/18/04		X						9/3/04	
TEXAS BEST BEEF JERKY INC 20425 M20425 P WICHITA FALLS, TX	3/2/04	3/10/04			X	X						9/3/04	
THE BAYOU CO. 20726 M TARPON SPRINGS, FL	6/25/03		7/7/03	2/18/04	X	X							
THE BUCK STOPS HERE 21291 M PAGOSA SPRINGS, CO	6/10/04	6/24/04			X	X							
			8/6/04	8/12/04					X				

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## Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
THE BUTCHER BLOCK INC. 05653 M INDIANOLA, NE	10/4/02	11/4/02			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
	11/18/03	11/26/03			X	X							
THE MEAT PLANT LLC 22085 M FORT COLLINS, CO	8/4/04	8/20/04			X	X							
THREE SONS MEAT MARKET 09438 M YORK, PA	8/6/04	8/26/04	9/13/04	9/14/04	X	X							
TRAIL MAN BEEF JERKY 18972 M18972 P LA FOLLETTE, TN	9/23/04	10/1/04			X	X	X						
TRINH COMPANY 06488 M06488 P SAN JOSE, CA	2/18/03		2/28/03	4/21/03		X							
			1/6/04		X	X							On 01/06/04, suspension was reinstated.
TRI-TOWN PACKING CO. 04499 M04499 P BRASHER FALLS, NY	7/23/04		7/30/04	8/13/04		X							
TROY PORK STORE 04359 M TROY, NY	3/8/04		3/22/04	3/29/04	X	X							
TWIN LOUPS QUALITY MEATS 05729 M05729 P ST. PAUL, NE			10/10/03	10/21/03		X							
	10/15/03	10/24/03				X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
UNICO FOODS INC 02980 M02980 P EL PASO, TX	4/1/04	4/8/04			X	X							
UNITED MEAT PRODUCTION, INC. 13583 M13583 P WASHINGTON, OK	3/29/03	4/10/03			X	X							
UNIVERSITY OF ARKANSAS RED MEAT RESEARCH ABATTOIR 10600 M10600 P FAYETTEVILLE, AR	9/19/03	10/16/03			X	X	X						
VOGET'S MEATS INC 08115 M08115 P HUBBARD, OR	5/10/04	6/1/04				X							
W. A. BEAN & SONS INC 09849 M09849 P BANGOR, ME	10/7/03	12/10/03				X							
WAAK'S SAUSAGE CO LLC 21429 M BELLVILLE, TX	4/9/04	4/16/04				X						9/3/04	
WELLS PROCESSING 06554 M06554 P BRIGHTON, TN	1/16/04	2/5/04			X	X						8/23/04	
WINDTHORST FINE MEATS 07130 M07130 P WINDTHORST, TX	2/3/04	3/2/04			X	X						7/30/04	
YAUK'S SPECIALTY MEAT 20309 M20309 P WINDSOR, CO	4/23/04	5/14/04	8/10/04	8/16/04		X							

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### Formal Adjudicatory Actions for Food Safety

Under the statutes it administers, FSIS can, in appropriate cases, move to withdraw grants of federal inspection from plants and plant owners based on the failure of a recipient of inspection service to meet critical sanitation and food safety regulatory requirements [e.g., Sanitation Standard Operating Procedures (SSOP) or Hazard Analysis and Critical Control Point (HACCP) system regulations] necessary to protect the public health. In some situations, FSIS also can seek to deny inspection service to an applicant for failure to meet certain food safety regulatory requirements. These actions are taken in accordance with the FSIS Rules of Practice (9 CFR Part 500) and Department regulations governing formal adjudicatory proceedings (7 CFR Part 1, Subpart H). Plants and plant owners are provided with the opportunity for a hearing before a federal administrative law judge. **Table 8** identifies refusal and withdrawal actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were no actions initiated this reporting period.

**Table 8. Food Safety Adjudicatory Actions  
(7/01/04 to 9/30/04)**

**Formal Adjudicatory Actions Pending or Taken for Food Safety  
[includes actions initiated in prior quarters]**

<b>Establishment</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Hearing</b>	<b>Consent Order</b>	<b>Action Summary</b>
CRESCENT CUSTOM SLAUGHERING, INC., d/b/a CRESCENT CUSTOM MEATS 06041 M SUMNER, WA	1/28/04		9/15/04	On January 28, 2004, FSIS filed a complaint to withdraw inspection based on the firm's alleged failure to operate and maintain its business in a manner sufficient to prevent the creation of insanitary conditions, and to ensure that meat products are not adulterated. A Consent Decision became effective on September 15, 2004.
LAGROU COLD STORAGE 00219 I 03197 M CHICAGO, IL	09/24/02			On September 24, 2002, FSIS filed a complaint to withdraw inspection based on the firm's alleged failure to operate and maintain its business in a manner sufficient to prevent the creation of insanitary conditions, and to ensure that meat and poultry products are not adulterated. On November 18, 2002, through May 3, 2003, approximately 7,459,000 pounds of product was reconditioned under the supervision of FSIS and these products were allowed to enter commerce. Another 855,000 pounds of product that did not qualify to be reconditioned was transported to a landfill and destroyed. On August 23, 2004, through September 1, 2004, the remaining product, approximately 6,000,000 pounds, was transported to a landfill as required by a August 18, 2004, court order.
SARDINHA'S SAUSAGE 17995 M 17995 P FALL RIVER, MA	05/28/04		9/13/04	On May 28, 2004, FSIS filed a complaint to withdraw inspection based on the firm's repetitive failures to meet Sanitation Standard Operating Procedures, Sanitation Performance Standards, and Pathogen Reduction/Hazard Analysis Critical Control Point regulatory requirements of 9 C.F.R. Parts 416, 417 and 430. A Consent Decision became effective on September 13, 2004.

### Withdrawal for Unfitness

Under the statutes it administers, FSIS also can move to withdraw inspection, after opportunity for a hearing, based on the unfitness of an applicant for or a recipient of inspection because of a felony conviction or more than one violation involving food. **Table 9** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There was one unfitness action initiated this reporting period.

**Table 9. Withdrawal for Unfitness  
(7/01/04 to 9/30/04)**

#### **Administrative Actions Pending or Taken for Unfitness [includes actions initiated in prior quarters]**

<b>Establishment</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Consent Order</b>	<b>Decision and Order</b>	<b>Action Summary</b>
NORTH AMERICAN PACKERS BRIDGEWATER, NY	07/26/04	07/27/04		On July 27, 2004, the firm and its owners entered into a Stipulation and Consent Decision (Order) with FSIS. The Order denies Federal meat and poultry inspection, but holds it in abeyance for three years provided the conditions of the Order are met. The Order specifies that neither North American Packers nor any of its employees shall violate any section of the FMIA, PPIA, or State or local statute involving the preparation, sale, transportation, or attempted distribution of any adulterated or misbranded meat or poultry product. The company is required to develop and maintain an ethics code and to display it in a prominent location in the establishment. The Order requires Mr. Barrows to complete a training program encompassing ethical business practices. It also precludes the firm from knowingly hiring or adding any new individual that has been convicted in any state or Federal court of any felony or multiple misdemeanors involving transactions in food.

## Removing Custom Exempt Privilege

The meat and poultry laws exempt certain operations from inspection. Custom exempt businesses slaughter animals or process meat for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom exempt privileges and require the plant to cease operations until sanitary conditions are restored. FSIS can also take action when custom facilities fail to properly label product as "Not for Sale." These businesses have the opportunity to correct violations prior to such actions. Only new activities would be reflected in this report.

**Table 10** lists custom exempt actions. There were no custom exempt actions initiated this reporting period.

**Table 10. Custom Exempt Actions  
(7/01/04 to 9/30/04)**

### **Administrative Actions Taken at Custom Exempt Facilities**

<b>Name</b>	<b>Location</b>	<b>Complaint</b>	<b>Consent Order</b>	<b>Action Summary</b>
WILDCAT LOCKER, INC	FILLEY, NE	05/25/04	08/18/04	On August 18, 2004, the firm entered into a Stipulation and Consent Agreement with FSIS. The Agreement holds the withdrawal of meat exemption privileges in abeyance for a three (3) year period provided certain conditions are met. Conditions of the Agreement require the firm to develop and maintain an effective sanitation program, establish a pest management program, to develop and maintain written procedures to prevent the custom slaughtering or processing of non-ambulatory disabled cattle (downers) implement and food safety controls system training for employees. On May 25, 2004, a Notice of Ineligibility to conduct custom operations was issued to the firm.

## CRIMINAL ACTIONS

If evidence is found that a person or business has engaged in violations of the Federal Meat Inspection Act, Poultry Products Inspection Act, or Egg Products Inspection Act, USDA may refer the case to the appropriate United States Attorney to pursue criminal prosecution. Conviction for a criminal offense can result in a fine, imprisonment, or both. **Table 11** lists criminal actions and criminal cases in categories according to the status of the case, which may be indictment or information issued; pleas, convictions, or acquittals, and sentences rendered during this reporting period.



**Table 11. Criminal Actions  
(7/01/04 to 9/30/04)**

**Criminal Actions**

Name	Location	Indictment	Information	Plea	Sentencing	Action Summary
LAGROU DISTRIBUTION SYSTEM, INC., d/b/a LAGROU COLD STORAGE, INC. JACK STEWART, PRES. MICHAEL FAUCHER, DIR. OF SALES 00219 I 03197 M	CHICAGO, IL	06/18/03 07/27/04				On June 18, 2003, in the United States District Court, Northern District of Illinois, Eastern Division, the firm, Jack Stewart, and Michael Faucher were indicted and charged with four (4) felony counts for violations of the FMIA and PPIA. On July 27, 2004, in the United States District Court, Northern District of Illinois, Eastern Division, LaGrou Distribution System, Inc., d/b/a LaGrou Cold Storage, Inc., was charged on a superceding indictment of four (4) felony counts for violations of the FMIA and PPIA and Jack Stewart was charged with five (5) felony counts in the superceding indictment. A trial date has been set for January 18, 2004.
MICHAEL FAUCHER, DIR. OF SALES LAGROU DISTRIBUTION SYSTEM, INC., d/b/a LAGROU COLD STORAGE, INC. 00219 I 03197 M	CHICAGO, IL	07/27/04		08/26/04		On July 27, 2004, in the United States District Court, Northern District of Illinois, Eastern Division, Mr. Faucher was indicted on a superceding indictment and charged with four (4) felony count for violations of the FMIA and PPIA. On August 26, 2004, Mr. Faucher entered into a plea agreement with sentencing to be scheduled at a later date.
DAVID SMITH, WAREHOUSE MGR. (LAGROU DISTRIBUTION SYSTEM, INC., D.B.A. LAGROU COLD STORAGE, INC.)	CHICAGO, IL	06/18/03		12/02/2003		On June 18, 2003, in the United States District Court, Northern District of Illinois, Eastern Division, David Smith was indicted and charged with one (1) felony count for violations of the FMIA and PPIA. On December 2, 2003, Mr. Smith entered into a plea agreement. Sentencing will be scheduled at a later date.
LAM FOODS, INC., D.B.A. BIG BIRD POULTRY HINH V. LAM, PRESIDENT	KANSAS CITY, MO		06/21/04	06/21/04		On June 21, 2004, in the U.S. District Court, Western District of Missouri Mr. Lam pled guilty to (1) misdemeanor count for violations to the FMIA. In late August 2004, Mr. Lam reneged to this plea agreement. The AUSA is currently working on a possible indictment of Mr. Lam.
LAS COLINAS INTERNATIONAL, INC. D.B.A. FORMOSA FOODS MAO S. CHANG, PRESIDENT	DALLAS, TX	09/21/04				On September 21, 2004, in the U.S. District Court, Northern District of Dallas, the firm and Mr. Chang, President, were indicted on five (5) felony counts for violations to the FMIA and PPIA.
NASH FINCH COMPANY, INC.	OMAHA, NE		08/13/04	08/13/04		On August 13, 2004, in the United States District Court, District of Nebraska, the company pled guilty to two (2) misdemeanor counts for transporting in commerce adulterated meat and poultry products in violation of the FMIA and the PPIA. Sentencing was scheduled for a later date.

Name	Location	Indictment	Information	Plea	Sentencing	Action Summary
SAL'S PRODUCE, INC. ROSINA B. INSERRA MEYER, MGR.	ST. LOUIS, MO		05/24/04	05/24/04	08/13/04	On August 13, 2004, in the United States District Court, Eastern District of Missouri, the firm and Ms. Inserra Meyer, Manager, were sentenced on three (3) misdemeanor counts each for violations to the FMIA and the PPIA. The firm was placed on a three (3) year probation period and ordered to pay a \$5,000 fine in addition to a \$375 special assessment fee. Ms. Inserra Meyer was also placed on a three (3) year probation period and ordered to pay a \$5,000 fine in addition to a \$75 special assessment fee.
SCHUMACHER ENTERPRISE, INC. RAYMOND O. SCHUMACHER, CEO DALE E. SCHUMACHER, SECY.	PORTLAND, OR			03/02/04	06/21/04	On June 21, 2004, in the United States District Court, for the District of Oregon, Dale E. Schumacher was sentenced on two (2) misdemeanor counts, was fined \$2,000 and placed on probation for three years. He was also ordered to pay a \$50 special assessment fee. Raymond O. Schumacher was sentenced on one felony count, but was not fined. He was placed on probation for three (3) years and was ordered to pay a \$100 special assessment fee. Schumacher Enterprises was sentenced on one (1) felony count, was fined \$10,000 and was placed on three (3) years probation. Further, Schumacher was also ordered to pay a \$400 special assessment fee.

## PRE-TRIAL DIVERSION AGREEMENTS

In certain situations, United States Attorneys may enter into Pre-Trial Diversion (PTD) agreements.

Under these agreements, the government agrees not to proceed with criminal prosecution if the alleged violator meets certain terms and conditions. The terms and conditions of a PTD are tailored to fit each individual case. FSIS frequently monitors these agreements so that it can assist the U. S. Attorneys in determining whether prosecution should be re-instituted. If the divertee successfully completes the program, no criminal charges are filed. If, on the other hand, the divertee does not successfully complete the program, criminal charges may be reinstated.

There were three pre-trial diversion agreements this quarter. The agreements involved three managing officials at a meat and poultry processing firm in the Southeastern United States. The individuals were cited for apparent violations to the FMIA and PPIA involving adulterated products. The pre-trial is effective for a 12-month period and the agreements stipulate that the individuals involved will reimburse the USDA, FSIS, with \$37,142.30 and USDA, Office of the Inspector General (OIG), with \$68,582.20 for the cost of their investigations. In addition, a charitable contribution payment of \$35,000 will be made to the Child Nutrition Purchasing Cooperative. These payments total \$140,724.50. Further, all three individuals will serve a one (1) year unsupervised probationary period.

## **CIVIL ACTIONS**

FSIS also has authority to seek a variety of civil actions in Federal Court.

### Seizures

When FSIS has reason to believe distributed products are adulterated or misbranded, the Agency will, through the U.S. Attorney, institute a seizure action against the product. The product is held pending an adjudication of its status. If the court finds that the product is adulterated or misbranded, it will condemn the product. Condemned product cannot be further processed to be used for human food. There were no actions initiated during this reporting period.

### Injunctions

FSIS, through the U.S. Attorney, may request a U.S. District Court to enjoin repetitive violators of the FMIA, PPIA, or EPIA. The Agency seeks injunctions to stop uninspected retail stores from processing products without required inspection for wholesale business or to prevent or restrain other violations of law. There were two injunctions initiated during this reporting period.

**Table 13. Civil Actions  
(7/01/04 to 9/30/04)**

<b>Name</b>	<b>Location</b>	<b>Complaint</b>	<b>Injunction</b>	<b>Action Summary</b>
SARDINHA'S SAUSAGE, INC. EDWARD SARDINHA, MANAGER 17995 M 17995 P	FALL RIVER, MA	08/17/04		On August 17, 2004, in the U.S. District Court for the District of Massachusetts a complaint was filed to permanently enjoin Mr. Sardinha and Sardinha Sausage, Inc.
LAOTIAN GROCERY & GIFT SING VONGPHAKDY, OWNER	FT. WAYNE, IN		08/16/04	On August 16, 2004, in the U.S. District Court, Northern District of Indiana, an Agreed Order was entered to permanently enjoin Mr. Vongphakdy and Laotian Grocery & Gift from violating the FMIA and PPIA.

### False Claims Act Violations

The Department of Justice Affirmative Civil Enforcement (ACE) program is used by U.S. Attorneys to recover damages when a violation of law involves fraud against the Federal government. Under the False Claims Act, the government may recover three times its estimated losses. FSIS typically seeks action under this program for cases involving products, not in compliance, sold to the military, to public schools engaged in the school lunch program, or to other Federal institutions. There were no ACE program actions reported for this period.

**FOR MORE INFORMATION:**

Media Inquiries:	(202) 720-9113
Freedom of Information Act Requests:	(202) 720-2109
Congressional Inquiries:	(202) 720-3897
Constituent Inquiries:	(202) 720-8594

Consumer Inquiries:	Call USDA's Meat and Poultry Hotline at 1-800-535-4555, 10 a.m. to 4 p.m., Eastern Time In the Washington, DC area, call (202) 720-3333.
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FSIS Web site:	<a href="http://www.fsis.usda.gov">http://www.fsis.usda.gov</a>
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